

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

WADE HAMPTON WHEELER,)	
Plaintiff,)	Civil Action No. 7:12-cv-00359
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
MIDDLE RIVER REGIONAL JAIL,)	By: Norman K. Moon
Defendant.)	United States District Judge

Plaintiff Wade Hampton Wheeler, a Virginia inmate proceeding *pro se*, brings this civil rights action pursuant to 42 U.S.C. § 1983 against the Middle River Regional Jail, alleging that he was denied adequate medical treatment. The court finds that the Middle River Regional Jail is not a proper defendant to a § 1983 action. Accordingly, the court dismisses Wheeler's complaint without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

Wheeler has named only the Middle River Regional Jail as defendant to his action. To state a cause of action under § 1983, a plaintiff must allege facts indicating that he has been deprived of rights guaranteed by the Constitution or laws of the United States and that this deprivation resulted from conduct committed by a person acting under color of state law. West v. Atkins, 487 U.S. 42 (1988). As the Middle River Regional Jail is not a "person" subject to suit under § 1983, Wheeler cannot maintain his action against the defendant jail. See McCoy v. Chesapeake Correctional Center, 788 F. Supp. 890 (E.D. Va. 1992). Therefore, the court dismisses this action without prejudice.

The Clerk of the Court is directed to send copies of this memorandum opinion and accompanying Order to the parties.

ENTER: This 13th day of September, 2012.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE